

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 2670 – SB 2667

February 8, 2010

SUMMARY OF BILL: Rewrites current law regarding the registration, removal, or redaction of military discharge records. The provisions of this bill would apply only to military discharge records first recorded on or after September 1, 2010. Such records are declared confidential for 75 years following recordation or receipt, with inspection or copying only in accordance with the provisions of this act or with a court order. The right of inspection and the receipt of a free copy of the discharge record would be granted to the subject veteran; other specific individuals; another governmental body; or an authorized representative of the funeral home assisting in the burial of the veteran. Courts that order release of the records and governmental entities are to limit the use and disclosure of the information for its intended purpose.

The bill requires county Registers of Deeds to record discharge papers of persons, who after 1915, served as members of the U.S. armed forces, reserve, or auxiliary. The Register is prohibited from charging a fee for recording or keeping the record. After the effective date of this act and September 1, 2010, the veteran or legal guardian may direct the Register of Deeds to destroy all copies of the discharge records that are made available to the public and compliance must occur within 15 days of the directive.

ESTIMATED FISCAL IMPACT:

On February 2, 2010, we issued a fiscal note inadvertently quoting CTAS as a source of information when, in fact, such information was obtained through internal research. This does not impact the original fiscal impact.

(CORRECTED)

Decrease State Revenue - Not Significant

Decrease Local Revenue – Not Significant

Assumptions:

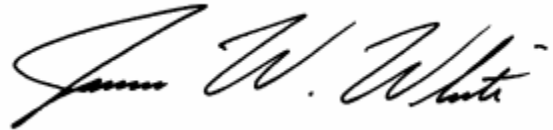
- According to the Department of Veterans Affairs, there are an estimated 532,000 veterans and in excess of one million survivors in Tennessee. It is unknown how many of these would actually request a copy of a military discharge document from the Register of Deeds office. Military records can be accessed from other governmental entities upon request at no charge.

HB 2670 – SB 2667 (CORRECTED)

- Most county Registers of Deeds' offices have chosen not to impose fees on veterans for certified copies of military documents. Any decrease in local government revenue from the loss of fees for certified copies is estimated to be not significant.
- The Department of Military charges a small fee for copying military records. However, the decrease in state revenue from the loss of such fee is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 8-21-1001(b)(1), the Register of Deeds is prohibited from imposing a fee for registering military discharge papers.
- Attorney General Opinion #98-192 opines that county registers may not charge any fee for recording or filing a military discharge. However, Tenn. Code Ann. § 8-21-1001(b)(7) permits a \$1 per page fee for certification.
- Pursuant to Tenn. Code Ann. § 10-7-408(b)(1), a county may impose an archives and record management fee not to exceed \$5 per document.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/rct